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3 Eastern District of Washington  
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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYLON JAKE NAPYER,

Defendant.

1:22-CR-02076-MKD-1

UNITED STATES' SENTENCING  
MEMORANDUM

The United States of America, by and through Vanessa R. Waldref,  
United States Attorney for the Eastern District of Washington, and Todd M.  
Swensen, Assistant United States Attorney, submits the following United States'  
Sentencing Memorandum:

**I. Offense Level & Criminal History:**

The United States concurs with the Presentence Investigation Report  
(PSR) that the Base Offense Level here is 19 and that Total Offense Level  
calculation of 16. ECF No. 139 ¶¶ 42-51. The United States also concurs with

1 Probation's assessment of Defendant's criminal history category of I. ECF No.  
2 139, ¶ 145. Therefore, the Defendant's Guideline Range is 21-27 months  
3 imprisonment.

4  
5 **II. Departures:**

6 Based on the United States' agreement with the Defendant, which  
7 includes a dismissal of Case No. 1:23—CR-02045-MKD, and pursuant to  
8 U.S.S.G. §5K2.21, the United States will seek an upward departure of 36 months  
9 imprisonment.  
10

11 **III. 18 U.S.C. § 3553(a):**  
12

13 The United States has no Section 3553(a) information beyond what is  
14 included in the PSR. The United States believes that a sentence of 36 months is a  
15 sufficient sentence but not greater than necessary to comply with the purposes of  
16 18 U.S.C. § 3553.  
17

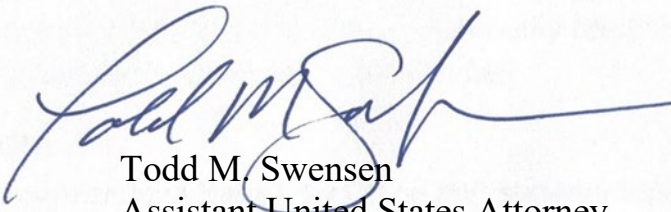
18 DATED this 7th day of October 2024.  
19

20 VANESSA R. WALDREF  
United States Attorney

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23 TODD M. SWENSEN  
Assistant United States Attorney  
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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, and a copy was emailed to the counsel of record in this case: Nick Marchi.



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